REMARKS

This Response is filed in reply to the non-final Office Action dated December 18, 2009, issued in connection with the above-identified application. Claims 22, 23, 26 and 31-38 are pending in the present application. With this Response, no claims have been amended and no new matter has been introduced.

In the Office Action, claims 22, 23, 26 and 31-38 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Nesset et al. (US Patent No. 5,742,759, hereafter "Nesset") in view of Mathis (U.S. Publication No. 2001/0037438, hereafter "Mathis").

The Applicants assert that Nesset in view of Mathis fails to disclose or suggest all the features recited in at least independent claims 22, 23, 26 and 38.

For example, independent claim 22 recites the following features:

"[a] group judgment device that is connected to a network and that shares common private information with a target device connected to the group judgment device via the network, comprising:

a conversion unit operable to convert the common private information into first conversion information according to a predetermined conversion;

a transmission/reception unit operable to transmit first data to the target device, and receive, from the target device, second data including second conversion information in response to the first data, the target device converting the common private information into the second conversion information according to the same conversion as the predetermined conversion, and transmitting to the group judgment device the second data including the second conversion information;

a measurement unit operable to measure, as a target time, a time required between (a) transmission of the first data by the transmission/reception unit and (b) reception of the second data by the transmission/reception unit; and

a judgment unit operable to (i) compare the target time measured by the measurement unit with a reference time, the reference time being a time required between (a) transmission of the first data to a device belonging to a predetermined group and (b) reception of the second data from the device belonging to the predetermined group, and (ii) compare the first conversion information generated by the conversion unit and the second conversion information included in the second data received by the transmission/reception unit, and judge that the target device

belongs to the predetermined group when (i) a difference between the target time and the reference time is within a predetermined range and (ii) the first conversion information matches the second conversion information."

The features noted above in independent claim 22 are similarly recited in independent claims 23, 26 and 38. That is, independent claims 23, 26 and 38 are directed respectively to a device, a system and a method; and each of the claims recite features that correspond to the above features of independent claim 22. Additionally, the features noted above in independent claim 22 (and similarly recited in independent claims 23, 26 and 38) are fully supported by the Applicants' disclosure.

In the Office Action, the Examiner relies on Nesset in view of Mathis for disclosing or suggesting all the features recited in independent claims 22, 23, 26 and 38.

For the purpose of copyright protection, the present invention (as recited in independent claims 22, 23, 26 and 38) aims to, when a digital work is supposed to be used only within a limited area (hereinafter, "a predetermined group") such as a home or an office, allow only devices that belong to the predetermined group to access the digital work. In particular, the present invention (as recited in independent claims 22, 23, 26 and 38) provides a group judgment device (or step) that judges whether a device that has made an access request belongs to the predetermined group.

The group judgment device (or step) measures, as a target time, a time required between (i) transmission of first data to a target device and (ii) reception of second data that is transmitted in response to the first data; and judges whether the target device belongs to a predetermined device by using the length of the target time measured.

Additionally, the group judgment device (or step) judges that the target device belongs to the predetermined group when a difference between the target time measured and a reference time is within a predetermined range. More specifically, the length of the time required between (i) transmission of the first data to the target device and (ii) reception of the second data that is transmitted in response to the first data is considered to have a correlation to a distance between the group judgment device and the target device in the network.

In the Office Action, although the Examiner relies on the combination of Nasset and Mathis for disclosing or suggesting all the features of independent claims 22, 23, 26 and 38, the Examiner relies primarily on Mathis for disclosing or suggesting the features of the group

judgment device (or step) noted above. However, the Applicants disagree with the Examiner's interpretation of Mathis.

Mathis discloses a gaming apparatus in which program memory is provided; a remote monitor unit fixed to an enclosure of the gaming apparatus; and an external remote access device (RAD) that accesses the program memory via the remote monitor unit. The gaming apparatus performs a test to determine validity of the program memory at a predetermined time. While the test is being performed, access to the program memory is prohibited; and at any time other than while the test is being performed, access to the program memory is allowed.

As described in Mathis, the remote monitor unit has the functions of receiving an access request from the RAD that is attempting to reprogram the program memory in the gaming apparatus, and relaying the access request to the program memory. When relaying the access request from the RAD to the program memory, the remote monitor unit compares (i) a reception time, at which it received the access request from the RAD, to (ii) a validity check time, during which the test for validity of the program memory is performed.

When the reception time does not compare to the validity check time, the remote monitor unit relays the access request from the RAD to the program memory. And, when the reception time compares to the validity check time, the remote monitor unit waits until the test for validity of the program memory is completed to relay the access request from the RAD to the program memory.

In Mathis, there is a specific access request (e.g., "GatherData") made by the RAD to the program memory. The remote monitor unit relays the specific access request to the program memory only at a predetermined time and on a predetermined date. The remote monitor unit compares (i) a reception time/date, at/on which it received the specific access request from the RAD, to (ii) the predetermined time/date. When the reception time/date does not compare to the predetermined time/date, the remote monitor unit waits until the predetermined time/date to relay the specific access request from the RAD to the program memory (see ¶[0058], ¶[0064], ¶[0065] and ¶[0067]; and Figs. 2, 6 and 8).

Based on the above discussion, the present invention (as recited in independent claims 22, 23, 26 and 38) is different from Mathis for at least the reasons noted below.

According to Mathis, the remote monitor unit judges whether it should immediately relay the access request to the program memory, or whether it should wait and relay the access request

at a later time. However, the remote monitor unit does not judge whether or not the RAD belongs to a predetermined group. Therefore, in a case where the predetermined group is defined as consisting of devices located in an area that is away from the remote monitor unit by a predetermined distance in the network (e.g., a home and an office), the remote monitor unit approves the access request to access the program memory regardless of whether the distance between the RAD and the remote monitor unit in the network falls within the predetermined distance or not. Thud, the remote monitor unit in Mathis cannot limit access to the program memory to the devices that only belong to the predetermined group.

On the other hand, the group judgment device (or step) of the present invention (as recited in independent claims 22, 23, 26 and 38) judges whether the target device belongs to the predetermined group by using the length of the target time, which is a time required between (i) transmission of the first data and (ii) reception of the second data. The group judgment device (or step) judges that the target device belongs to the predetermined group when the distance between the group judgment device and the target device in the network falls within a predetermined range.

When the above judgment device (or step) of the present invention (as recited in independent claims 22, 23, 26 and 38) is used, it is possible to determine whether an access request should be approved based on a result of judging whether the device that has made the access request belongs to the predetermined group. Therefore, the above judgment device (or step) can limit access to the digital work only to the devices that belong to the predetermined group.

Furthermore, when a device that is normally used within the predetermined group has been moved and to access the digital work from outside the predetermined group, the group judgment device (or step) of the present invention (as recited in independent claims 22, 23, 26 and 38) judges that the device does not belong to the predetermined group, because the distance between this device (which is now outside the predetermined group) and the group judgment device in the network no longer falls within the predetermined range.

In this manner, the group judgment device (or step) can judge whether the target device belongs to the predetermined group when the target device makes the access request. Therefore, in the case of an office, when a personal computer that is allowed to access specific data only from inside the office attempts to access the specific data from outside the office, the access is

denied. Thus, even if the personal computer is stolen from the office, the above structure can prevent unauthorized access to the specific data from outside the office (i.e., via the stolen personal computer).

On the other hand, according to Mathis, the distance between the remote monitor unit and the RAD in the network bears no relationship with approval of access to the program memory. Therefore, the RAD, which is allowed to access the program memory, can access the program memory even from outside the predetermined group to which the RAD belongs. In other words, the remote monitor unit cannot deny the RAD's access to the program memory even when the RAD is outside the predetermined group.

Accordingly, no combination of Nesset and Mathis would result in, or otherwise render obvious, independent claims 22, 23, 26 and 38. Likewise, no combination of Nesset and Mathis would result in, or otherwise render obvious, claims 31-37 at least by virtue of their respective dependencies from independent claims 22, 23 and 26.

In light of the above, the Applicants submit that all the pending claims are patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the rejections presented in the outstanding Office Action, and pass the present application to issue. If any points remain in issue which the Examiner feels may best be resolved by an interview, the Examiner is kindly requested to contact the undersigned by telephone.

Respectfully submitted,

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